

1885-035 Chancery Causes: John D. Morgan vs. Jeremiah Harber bc
Lee Co.

Fulkerson, Daugherty

CA-Debt
T-Property

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia

Humbly Complaining Your Orator John
D. Morgan a citizen of said county would respec-
tfully show unto your Honor that One Jeremiah
Harber is justly indebted to him in the sum of
Forty five dollars and 75 cents to show which your
Orator states that on the 2nd day of December 1882
the said Jeremiah Harber Executed to him his bond
under seal dated as aforesaid, by which he bound
himself his heirs &c. One day after the date thereof to
pay to your Orator said sum of \$45.75 for value
received, and as to the debt thus evidenced the
said Harber ~~waived~~ the benefit of his homestead
exemption, and said bond is herewith filed as a
part of this bill marked (A) the said debt so evidenced
and secured is now wholly due to your Orator and
no part thereof in any way paid Your Orator
further states that said Jeremiah Harber is a non-res-
ident of the State of Virginia, but he at the same
time alleges that he is the owner of both real and
personal estate in said county of Lee. to show which
your Orator states that in a Chancery Cause lately

determined in your Honors court it was as-
certained and determined that the heirs at
law of Elias Harber decd. were entitled to take
and hold the real and personal estate of the
late Charles Daugherty decd. Your Orator further
states that the real estate of said Charles Daugherty
decd. consists of some two or three parcels adjoining
each other and lies on both sides of the main road
leading from Jonesville to Cumberland Gap. abo-
out 15 miles from Jonesville and is the same farm
on which said Daugherty lived at the time of his
death, Your Orator further states that the said
Jeremiah Harber is one of the heirs at law of
said Elias Harber decd. and as such inherited
one undivided fourteenth part of said real
estate owned by said Daugherty at the time of
his death; Your Orator further states that some
time after the death of said Daugherty one L. D.
Fulkerson was appointed executor of his estate
who as such has received large sums of money
due the estate of said Daugherty One fourteenth
part of which after the payment of debts costs
and charges, is due to the said Jeremiah Harber

Your Orator is advised that said One undivided
fourteenth part of said real and personal estate
which so descended to said Jeremiah Harber from
the said Charles Daugherty dead, or so much thereof
as may be necessary for that purpose is liable to be
applied by a court of equity to the payments of
your Orators claim against said Harber, and
to attain that end is the object of this Suit.

Your Orators prayer therefore is that said Jeremiah
Harber and L.D. Fulkerson as such Curator be made
parties defendant to this bill, and be required to
answer the same on Oath. That said L.D. Fulkerson
be required to answer and say how much personal
estate there is in his hands due and owing to the
said Jeremiah Harber, that process of foreign attachment
be issued, attaching said real and personal
estate so as to hold the same subject to the order of
your Honor in the premises, that Order of Publication
be entered posted and published against said
Jeremiah Harber and upon a final hearing of
the cause a decree be entered in favor of your Orator
against said Harber for said sum of \$45.75 with in-
terest thereon from Dec. 3rd 1882 till paid and for costs of

6.08 Paid
 5.00
 3.00
 5.00 Paid
 15.00
 13.00
 2.00
 22.08

John D. Morgan

vs. { Bill + F. Attachment
 }

Jesse H. Barber

1883 Sept, 25th Bill Filed
 " Oct 5 Spa 4th O.D.
 " Nov, O.P. complete
 + cause set for hearing
 " Nov term continued
 1884 Mr. Deere + cont'd
 " Aug Deere + cont'd
 1885 Mr. Deere final

Suit, that said interest in said real estate or so much thereof
 as may be necessary be decreed to be sold, as will pay said
 debt interest and costs or so much of said personal
 estate in the hands of said Fulkerson be decreed to be
 paid by him to your orator as will satisfy his said
 claim interest and costs. May the Court under the
 writ of Spm issue directed &c.

H. J. Morgan for Poff

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

The Separate answer of L. D. Fulkerson to a
Bill filed in this honorable court against him
and Jeremiah Harber by John D. Morgan

Respondent says it is true that he is curator
of the estate of Charles Daugherty deceased. and
in that capacity he has and will receive some
where between Five and Eight Thousand dollars
but he cannot now state with certainty how
much he has received or how much may
hereafter come into his hands as such curator. And
if this respondent now knew precisely how much
could come into his hands as such curator, he could
still be unable to state how much thereof his co-
defendant Harber would be entitled to, for the reason
that there are claims and demands which are
being attempted to be established against said
Daugherty's estate, the amount or justice of which
this respondent knows nothing about. If large ac-
-crues should be obtained by these parties, this of course
would decrease the fund for distribution; And until
these matters are all settled this respondent is

advised that he cannot with safety to himself admit that there will be any thing in his hands for distribution, but he at the same time thinks that there will be a fund for distribution after all legal liabilities shall have been paid off and discharged, but he cannot now state how much if any may remain for distribution.

Your respondent is informed that the legatus of Polly Daugherty widow of said Charles Daugherty died. are or will be entitled to one half of such net surplus as may remain after the payment of debts liabilities and charges, and as to the remaining half, that as respondent is informed will have to be subdivided into fourteen equal parts and one of these will be due said Jeremiah Harber.

Respondent further says that said Harber has now drawn orders upon him in favor of R. M. Bales & E. Baylot ^{for} a sum ranging somewhere between fifty and one hundred dollars the precise amount not now known or remembered.

Respondent having now answered as fully as deemed necessary pray to be hence dismissed

L. D. Fullerton
counselor

L.D. Fulkerson Curator

Acts } Answer

John D. Morgan

Filed Aug. 1884

J. A. Stuyatt
Clerk

I John D. Morgan plaintiff in a certain Chancery suit
instituted by me in the circuit Court of Lee County
Va. against Jeremiah Harber and L.D. Fulkerson
do swear that I ought to recover in said suit against
said Harber the sum of \$45.75 with legal interest
thereon from the 3rd day of Dec. 1882 till paid.
that I have present cause of action against said
Harber therefor, that said Harber is a non-resident
of the state of Virginia, and that there is in the
hands of said Fulkerson personal estate or money
due or will become due said Harber, and that
said Harber also owns real estate lying and being
in said county of Lee State of Va. So help me god.

John D. Morgan

Sworn to before me this 11th day of Sept 1883.

Henry J. Morgan Com^r

John D. Morgan

vs. { Aff.^a for Attachment

Jeremiah Harber

\$ 45.75

One day after date I promise
and bind my-self my heirs &c.
to pay John B Morgan forty
five ~~dollars~~ ^{and seventy} ~~five~~ for value received
of him, and I do hereby waive
the benefit of my Home State
exemption as to the payment
of this debt, Given under my hand
and seal This 2 day of December 1882
Jeremiah W. Seal

W. B. 22

Jeremiah Harber

To. } note \$45.75

John D. Morgan

(A)

Jeremiah Harber

To. } note

\$ 45.75

J. D. Morgan

Lis pendens

John D. Morgan

vs.

Jeremiah Harber & al Deft. County Virginia

Plff. In this Foreign Attachment
now pending in the
Circuit Court of Lee

The title of this cause now pending in the Circuit Court of Lee County, is as here stated. The object is to recover of Jeremiah Harber who is a non resident of the state of \$45.75 with legal interest thereon from the 3rd day of Dec. 1882 till paid, and to subject to the payment thereof one undivided fourteenth part of the real and personal estate lately owned by Charles Daugherty dead which now belongs to the deft Jeremiah Harber and which has been attached by process of Foreign attachment issued in the cause. The real estate thus attached lies on both sides of the main road about 15 miles west of the courts house, and the personal estate so attached is owing by L.D. Fulkerson Curator of said Daugherty to said deft. Harber.

John D. Morgan by

Virginia Lee County Court Clerk's office

Henry J. Morgan

October 3. 1883, The foregoing Lis pendens against Jeremiah Harber was this day filed in this cause and admitted to record, Teste J. A. Hyatt
D. Clerk

John D. Morgan

vs. { Lis Pendens

Jeremiah Harber

Recorded in Deeds
Book No. 20, P. 289
J. H. Hyatt & Co.

October 3rd 1883.

Virginia

In the Clerk's Office of the Circuit
Court for Lee County at the Court House
thereof on the 25th day of September 1883

John D. Morgan

Plaintiff

vs

Jeremiah Harber et al

Defendants

J. W. Chace

The object of this suit, is to recover
against the Defendant Harber the sum of
\$45.75 with interest from 3^d day of December 1882
and to subject to the payment thereof the
personal and Real Estate mentioned
in the Bill & proceedings, which has been
attached for that purpose; and it appear-
ing from an affidavit filed in this cause
that the defendant Jeremiah Harber is
a non resident of this State; - It is
ordered that he appear here within
one month after due publication
of this order to do what may be
necessary to protect his interest
in this suit.

A Copy Left

W. J. Morgan P. & C.

J. A. Hyatt Clerk

John D. Morgan
Ord. Pub.
Journals Harbertals

I certify that I delivered
to the Lee Sentinel an
office copy of the within
order Publication, on
the 26th Sept 1883, for
Publication and
also posted a like
copy at the front door
of the Court House of
Lee County at the Octo
ber term of the County Court
for said County
Given under my
hand this 18th Octo 1883.

J. Alsop & Co

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

Jeremiah Harber
and *L. O. Fulkerson* Curator of *Charles*
Dougherty deceased

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

October

next being rule day to answer a bill in Chancery exhibited in our said Court against

them

by

John O. Morgan

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

25th

day of

September 188*3*

, in the 10 *8*

year of the Commonwealth.

J. A. G. Hyatt Clerk.

The proper affidavit having been made the officer serving this process, is ordered to attach the one fourteenth part of the real Estate, lately owned by Charles Daugherty dec'd, as belonging to the defendant Harber and also to attach the personal Estate in the hands of the defendant Fulkerson curator &c due an to become due the defendant Harber and to hold the same subject to the future order of the Court.

J. A. G. Hyatt
Clerk

(H. J. M.)

John D. Morgan

vs Chapman Chas

Jeremiah Harber et al

To October Rules 1883.

Executed see
endorsement of
Sheriff on inside

By reason of the order of attachment endorsed herein, I have served
the same by bringing this process on one undivided fourteenth part
of the real estate owned by Edward Daugherty at his death as now
belonging to the said Jeremiah Harber, and I have further served
the same by delivering a copy of this writ to the wife of the said E.
Fulkerson and explaining the same to her, the said E. Fulkerson
not being at his usual place of abode, and his dwelling being
a white person over 16 years of age, Sept 29 - 1883.

J. A. G. Hyatt for
J. D. Morgan &c

Publisher's Certificate.

Jonesville, Va., Nov. 27, 1883.

I. F. R. STICKLEY, Publisher of the LEE COUNTY SENTINEL, a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed Chancery Order was published four successive weeks in said newspaper, publication ending Nov 9, 1883.

I. F. R. Stickley, Publisher.

VIRGINIA.—In the Clerk's offices of the Circuit Court for Lee County at the Court House thereof on Tuesday the 25th day of September 1883.

John D. Morgan Plft.

vs.,

Jeremiah Harber et als Deft.

} In Ch'cy.

The object of this suit, is to recover against the Defendant Jeremiah Harber the sum of \$45.75 with interest from the 3rd day of December 1882; and to subject to the payment thereof the personal and Real Estate in the Bill and proceeding mentioned which has been attached for the purpose; and it appearing from an affidavit filed in this cause that the Defendant Jeremiah Harber is a non-resident of this State: It is ordered that he appear here within one month after due publication of this order to do what may be necessary to protect his interest in this suit. A Copy Teste

H. J. Morgan P. Q. J. A. G. HYATT
Clerk.

*Pub's fee
\$15.00*

John D. Morgan
2 Pub's
W 3 Certificate
J. M. Harker, sta

Pub's fee

\$5.00
